

**DREYER BOYAJIAN LLP**  
ATTORNEYS AND COUNSELLORS AT LAW

75 COLUMBIA STREET  
ALBANY, NY 12210

TELEPHONE: (518) 463-7784

FACSIMILE (518) 463-4039

<http://www.dreyerboyajian.com>

WILLIAM J. DREYER  
DONALD W. BOYAJIAN  
BRIAN W. DEVANE  
JOHN B. CASEY  
CRAIG M. CRIST  
JAMES R. PELUSO  
SHANNON O'LOUGHLIN  
APRIL M. WILSON

CHRISTOPHER A. AMATO  
CHRISTOPHER M. SCARINGE  
(of counsel)

November 20, 2006

**Via Courier and ECF (Cover letter only)**

Hon. Randolph F. Treece  
United States Magistrate Judge  
James T. Foley U.S. Courthouse  
445 Broadway - Room 314  
Albany, New York 12207

Re: NXIVM et al v. O'Hara, et al  
05-CV-1546 (GLS/RFT)

Dear Judge Treece:

We represent defendant Joseph O'Hara. Enclosed please find a copy of the following:

- 1) Affidavit of James R. Peluso, Esq.;
- 2) Affidavit of Josephe J. O'Hara.;
- 3) Memorandum of Law in Opposition to Plaintiffs' Motion for Order; and
- 4) Certificate of Service; and
- 5) Diskette containing PDF versions of said documents;

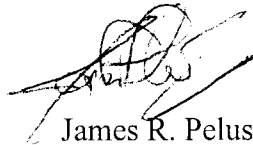
Due to the allegations concerning attorney-client privilege and the intervention of third-parties Rick Ross and The Ross Institute on the instant motion, defendant O'Hara has stipulated with counsel for plaintiffs to submit its opposition papers under seal for the *in camera* review of the court before service of the same upon counsel for Rick Ross and/or filing with the Clerk's Office. Defendant submits that this is necessary in order to set forth the factual and documentary evidence supporting O'Hara's defenses to the motion.

Accordingly, defendant respectfully requests that the court direct, after consideration of the parties' papers and arguments herein, whether O'Hara's opposition papers should be served upon Ross' attorneys and/or filed with the Clerk's Office as part of the public record.

Respectfully submitted,

DREYER BOYAJIAN LLP

By:

A handwritten signature in black ink, appearing to read "James R. Peluso", is written over a horizontal line.

James R. Peluso

JRP/lab

cc: Douglas Rennie, Esq.  
Peter L. Skolnik, Esq. (*cover letter only*)

J:\WJD\O'Hara-05373\Correspondence\Ltr to Judge Treece 11-20-06.wpd